

REMARKS

This Amendment is in response to the non-final Office Action mailed on October 27, 2003. All rejections and objections are respectfully traversed.

Claims 1-19 are in the application and are currently pending.

The Examiner rejected claims 1-9 under 35 U.S.C. §112, second paragraph as being indefinite for failing to point out and distinctly claim the subject matter that the applicant regards as the invention. Claim 1 has been amended to clarify that there is a single storage system. Applicants thank the Examiner for suggesting language to clarify this point.

Claims 2-9 were rejected as being dependent from rejected base claim 1. As claim 1 has been amended to correct any indefiniteness, claims 2-9 should be allowable at least for being dependent from an allowable base claim.

The Examiner rejected claims 1-4 and 8-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,440,726 issued to Fuchs *et al* (hereinafter "Fuchs"). Applicants respectfully traverse these rejections. Exemplary claim 1 includes, in part, the limitations of:

"an initiator process that establishes a swarm of messages with respect to the storage system transaction entries and delivers the swarm to the file system;"

The Examiner stated that this limitation is described in Fuchs in the Abstract. The Applicants disagree. Fuchs describes in the Abstract a progressive retry system based on checkpointing, message logging and message replaying. Fuchs describes the message replaying in further detail in column 18, lines 20-column 19, line 31. Fuchs does not teach or suggest establishment of a “*swarm* of messages with respect to the storage system transaction entries” (emphasis added) nor does it deliver the swarm to the file system, as claimed. Fuchs first restores the faulty process to the latest checkpoint (column 18, lines 25-28) and then replays the received messages since the last actual checkpoint in the receiver log file (column 18, lines 25-30). Fuchs does not teach the creation of a “swarm of messages,” but instead processes messages in *seriatum*. This was recognized by the Applicants as a prior art technique, and described by the Applicants in the Background of the Invention on page 4, lines 3-10 of the application as filed.

Conversely, as defined by the Applicants in the specification, namely on page 12, line 30 – page 13, line 2, the *swarm* of messages is a separate construct comprised of an arbitrary and predetermined number of logged messages. The swarm is passed to the file system as a single group. See page 13, lines 7-8. Fuchs does not teach or suggest the creation of a separate construct comprising of a number of messages, but instead simply replays the messages in *seriatum* to the recovered process. Thus, Fuchs does not anticipate the claim limitation of establishing a “swarm of messages.” For a claim to be anticipated under §102 it must contain each limitation of the cited prior art. Hereno “swarm,” as defined by applicants, is provided by Fuchs. As such, claim 1 is not anticipated under 35 U.S.C. §102(b) by Fuchs.

Claims 2-9 depend from claim 1. As such, they should be allowable due to being depend from an allowable base claim.

Claim 10 is an independent method claim and claim 15 is a computer readable medium claim that both include the limitation of:

“establishing a swarm of messages with respect to the transaction request entries and delivering the swarm to the file system”

As noted above with reference to claim 1, Fuchs does not teach the creation of a swarm of messages, but instead replays messages in *seriatum* to recover a failed system. For the reasons noted above in reference to claim 1, Fuchs does not anticipate claims 10 and 15 under 35 U.S.C. §102(b).

The Examiner rejected claim 5 under 35 U.S.C. §103(b) as being unpatentable over Fuchs in view of Pub. No. 2003/0131190 issued to Park et al (hereinafter “Park”). Claim 5 is a dependent claim that depends from claim 4, which is allowable at least because it depends from an allowable base claim. For the reasons stated above in reference to claim 1, Fuchs does not teach the limitation of establishing a “swarm” of messages. As such, claim 5 is allowable at least because it depends from an allowable base claim.

The Examiner rejected claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Fuchs in view of the U.S. Patent No. 6,330,570 issued to Crighton (hereinafter “Crighton”). Claims 6 and 7 are dependent claims that depend from claim 4, which is allowable at least because it depends from an allowable base claim. For the reasons stated above in reference to claim 1, Fuchs does not teach the limitation of establishing a

“swarm” of messages. As such, claims 6 and 7 are allowable at least because they depend from an allowable base claim.

The other references of record have been further reviewed and the claims are believed to be neither anticipated nor made obvious by these references, taken either alone or in combination.

Accordingly, all independent claims are believed to be in condition for allowance, and all dependent claims are believed to be dependent from allowable independent claims, and so in condition for allowance. Therefore, Applicants respectfully request the issuance of a Notice of Allowance in this application.

Applicants earnestly solicit the Examiner to contact the undersigned by telephone to advance the prosecution in any respect.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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